

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**JANE DOE, a minor who sues by and)
through her father and Next Friend,)
JOHN DOE,)
)
Plaintiff,)
)
)
v.) **Case No.: 5:19-cv-01834-HNJ**
)
PHILIP DEWAYNE PERKINS)
and ROBBY PARKER,)
)
Defendants.)**

PLAINTIFF'S MOTION TO PROCEED UNDER A PSEUDONYM

COMES NOW, Plaintiff Jane Doe by and through her father and Next Friend, John Doe, and hereby moved this Honorable Court, pursuant to RULE 10 of the FEDERAL RULES OF CIVIL PROCEDURE, of her desire to proceed in this litigation under a pseudonym. In support thereof, Plaintiff states as follows.

1. A party may proceed under a pseudonym in a civil action in federal Court by showing that he has a substantial privacy right that outweighs the presumption of openness in judicial proceedings. See *Plaintiff B v. Francis*, 631 F.3d 1310, 1315-1316 (11th Cir. 2011). When a party's case involves matters that are highly sensitive and personal in nature, Courts favor a policy of protecting the party over the normal practice of disclosing the party's identity. See *Id.* at 1316.

2. Plaintiff's allegations include sexual assault. Hence, this case involves matters that are highly sensitive and of a personal nature to the Plaintiff.. See Complaint, Doc.1 at p.5-6, ¶19-22. Jane Doe was scarred physically, emotionally, and psychologically by said assault. See Complaint, Doc.1 at p.6, ¶25. The 11th Circuit has stated that when a case involves "descriptions of the Plaintiffs in various stages of nudity and engaged in explicit sexual conduct while they were minors who were coerced by the Defendants into those activities, ... [t]he issues involved in [such a] case could not be of a more sensitive and highly personal nature." *Plaintiff B v. Francis*, 631 F.3d 1310, 1317 (11th Cir. 2011).

3. As this case involves the wrongful touching, contact, and sexual assault of Jane Doe, a minor child, proceeding under a pseudonym will lessen the emotional impact of the case upon her. Disclosure of her identity runs the risk that it would increase the pain and suffering that Plaintiff has already endured and will have to endure for the rest of her life. Plaintiff's minor status and the highly sensitive and personal facts of this case provide a basis for this Court to find that "Plaintiff has set forth substantial grounds to support Plaintiff's fear of public disclosure, particularly in light of the risk that public disclosure of Plaintiff's identity would potentially identify [her] as the party depicted in the highly sensitive [facts involving sexual abuse of a minor] at issue in the litigation." *Doe v. Oshrin*, 299 F.R.D. 100, 103-104 (D.N.J. 2014). "[P]laintiff's fear of increased embarrassment, humiliation, and

emotional distress should [her] friends and ... associates learn of these events is well-founded." *Doe. V. Evans*, 202 F.R.D. 173, 176 (E.D. Pa. 2001).

4. Plaintiff is now fifteen (15) years old. In the next few years, she will be applying to colleges, which will include speaking to recruiters for college basketball teams. In this modern age, potential schools and their coaches will no doubt be able to discover this lawsuit should Plaintiff have to proceed under her own name. The potential harm to Plaintiff's future prospects could be immeasurable.

5. The Defendants are not prejudiced by allowing Plaintiff to proceed anonymously. The Defendants already know Plaintiff's identity, and "thus are not barred from conducting a full range of discovery in building a defense for trial." *Francis*, 631 F.3d at 1319. "[N]one of the normal harms threatened to defendants when [the Plaintiff] proceed[s] anonymously are present in this case." *Id.*

6. The public interest in disclosure of the Plaintiff's identity is minimal. The Plaintiff's alleged harm involves highly sensitive and personal matters, and the public's interest in disclosure of the Plaintiff's identity is outweighed by the Plaintiff's interest in maintaining her anonymity. *See also Doe v. Clazmer*, 2011 U.S. Dist. LEXIS 122575, *5 (E.D. Wis. 2011).

WHEREFORE, the above premises considered, Plaintiff respectfully asks this Court to grant her Motion to proceed under a pseudonym.

Respectfully submitted on this the 12th day of November 2019.

s/ Teri Ryder Mastando
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CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of November 2019 I have served a copy of the foregoing via the Court's CM/ECF filing system and/or properly addressed, postage stamped, United States Mail on all represented parties.

Mr. Robby Parker
Madison City Board of Education
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Mr. Philip Perkins
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s/ Teri Ryder Mastando
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